

REMARKS

The Examiner rejected claims 1, 2, 45-47, 51, 53 and 54 under 35 U.S.C. 102(b) as being anticipated by Bille. The Examiner rejected claims 1-4 and 40 under 35 U.S.C. 103(a) as being unpatentable over Bille in combination with Knopp. The Examiner rejected claims 36-38, and 42, under 35 U.S.C. 103(a) as being unpatentable over Bille in combination with Klopotek. The Examiner rejected claims 1, 40, 41, 45 and 50 under 35 U.S.C. 103(a) as being unpatentable over Knopp in combination with Billie and further in view of L'Esperance. The Examiner rejected claims 37, and 42-44 under 35 U.S.C. 103(a) as being unpatentable over Billie in combination with Klopotek, and further in view of L'Esperance. The claims have been amended to recite denaturing corneal tissue without removing or liquifying the corneal tissue. This is to be distinguished from Billie which clearly discusses either ablating or liquifying the tissue. Billie does not disclose denaturing without ablating a liquifying. Consequently, this reference does not anticipate the claims.

Additionally, the secondary references recited by the Examiner do not disclose or suggest the deficiency of Billie. Both Knopp and L'Esperance disclose ablation techniques. Klopotek relates to measuring the topography of an eye. There is nothing in Klopotek which would suggest to combine the structures in this reference with a device that denatures tissue as claimed in the above entitled application. For these reasons, the Applicant submits that Billie does not render unpatentable the pending claims of the above entitled application either alone or in combination with the cited secondary references.

The Examiner rejected claims 1-3, 36-38, 40, 42, 45-47, 51, 53 and 54 under 35 U.S.C. § 102(b) as being anticipated by Spears. Spears does not disclose creating a column of denatured

tissue that has an essentially uniform cross-sectional area through at least a portion of a stroma as recited in the claims of the above entitled application. Additionally, Spears does not disclose varying a focal point to create such a column. Spears merely discloses tilting a mirror to create a different energy profile of the laser. Spears provides absolutely no disclosure on the profile of the denatured tissue extending into the stroma. For these reasons, the Applicant submits that Spears does not anticipate the claims.

In view of the above it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-4, 36-38, 40-47, 50, 51, 53, 54 at an early date is solicited.

Respectfully submitted,

IRELL & MANELLA LLP

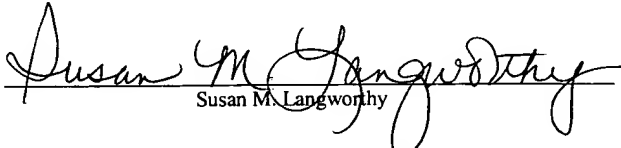
Dated: March 20, 2006


BEN J. YORKS, Reg. No. 33,609

840 Newport Center Drive, Suite 400
Newport Beach, CA 92660
949-760-0991

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 20, 2006.


Susan M. Langworthy